

## Message Text

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ORIGIN EB-07

INFO OCT-01 EA-09 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

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DRAFTED BY EB/AN:TROESCH:BA

APPROVED BY EB/AN:RABROWN

EB/AVP:JGORDON

CAB:JHORNEMAN

EB/TB:LROCKE

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TO AMEMBASSY BANGKOK IMMEDIATE

UNCLAS STATE 293937

E.O. 11652: N/A

TAGS: EAIR, TH

SUBJECT: CIVAIR: COURT ORDER ON AIR SIAM

REF: BANGKOK 32443

1. ORDER BEING POUCHED AS REQUESTED. TEXT FOLLOWS.
2. IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, UNITED STATES OF AMERICA, PLAINTIFF, VS. AIR NEW ZEALAND, LTD., AIR-SIAM AIR CO., LTD., CANADIAN PACIFIC AIR LINES, LTD., CHINA AIRLINES, LTD., JAPAN AIR LINES COMPANY, LTD., KOREAN AIR LINES CO., LTD., NORTHWEST AIRLINES, INC., PAN AMERICAN WORLD AIRWAYS, INC., PHILIPPINE AIR LINES, INC., QANTAS AIRWAYS, LTD., THE FLYING TIGER LINE INC., UNION DE TRANSPORTS AERIENS, "VARIG",S.A. (VIACAO AREA RIO-GRANDENSE), DEFENDANTS. NO. C-76-0320-OJC, FINAL JUDGMENT. UNCLASSIFIED

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3. PLAINTIFF, UNITED STATES OF AMERICA, HAVING FILED ITS COMPLAINT ON FEBRUARY 17, 1976, AND PLAINTIFF AND EACH OF THE DEFENDANTS HAVING APPEARED, HAVING EACH CONSENTED TO THE MAKING AND ENTRY OF THIS FINAL JUDGMENT ENJOINING

AND RESTRAINING DEFENDANTS AS SPECIFIED HEREIN, WITHOUT TRIAL OR ADJUDICATION OR FINDING ON ANY ISSUES OF FACT

OR LAW HEREIN AND WITHOUT THIS FINAL JUDGMENT CONSTITUTING AN ADMISSION BY ANY OF THE PARTIES IN RESPECT TO ANY SUCH ISSUE,

4. NOW, THEREFORE, BEFORE ANY TESTIMONY HAS BEEN TAKEN AND UPON CONSENT OF THE PARTIES AS AFORESAID, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

5. AS USED IN THIS DECREE:

(A) "ACT" MEANS THE FEDERAL AVIATION ACT OF 1958, AS AMENDED (TITLE 49, CHAPTER 20, U.S.C.);

(B) "PASSENGER AIR TRANSPORTATION" MEANS SCHEDULED "FOREIGN AIR TRANSPORTATION" OF PERSONS BETWEEN ANY POINT IN THE UNITED STATES (AS SUCH TERMS ARE DEFINED BY THE ACT, 49 U.S.C. §1301(21), (36)) (INCLUDING HAWAII) AND A POINT OR POINTS IN THE AREAS PRESENTLY DESCRIBED BY THE INTERNATIONAL AIR TRANSPORT ASSOCIATION AS TRAFFIC CONFERENCES NOS. II AND III (A COPY OF WHICH DESCRIPTION IS ANNEXED HERETO AS EXHIBIT A) VIA A TRANSPACIFIC ROUTING WHERE (1) THE PASSENGER ORIGINATES HIS JOURNEY FROM A POINT WITHIN THE UNITED STATES, OR (2) THE SALE FOR SUCH TRANSPORTATION OCCURS OR THE ORIGINAL TICKET FOR SUCH TRANSPORTATION IS ISSUED IN THE UNITED STATES;

(C) "TICKET AGENT" MEANS ANY PERSON NOT AN AIR CARRIER OR A FOREIGN AIR CARRIER (AS SUCH TERMS ARE DEFINED IN THE ACT, 49 U.S.C. §1301(3), (19)) NOT A BONA FIDE EMPLOYEE OF AN AIR CARRIER OR FOREIGN AIR CARRIER WHO, AS PRINCIPAL OR AGENT, SELLS OR OFFERS FOR SALE ANY PASSENGER AIR TRANSPORTATION OR NEGOTIATES FOR, OR HOLDS HIMSELF OUT BY SOLICITATION, ADVERTISEMENT, OR OTHERWISE UNCLASSIFIED

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AS ONE WHO SELLS, PROVIDES, FURNISHES, CONTRACTS, OR ARRANGES FOR PASSENGER AIR TRANSPORTATION;

(D) "SPECIAL FARES" INCLUDES, BUT IS NOT LIMITED TO:  
(1) YOUTH AND STUDENT FARES, (2) EXCURSION AND ADVANCE PURCHASE FARES, (3) MILITARY FARES, (4) GROUP AFFINITY FARES, (5) GROUP INCLUSIVE TOUR FARES;

(E) "CARGO AIR TRANSPORTATION" MEANS "FOREIGN AIR TRANSPORTATION" OF PROPERTY INCLUDING CHARTER BETWEEN ANY POINT IN THE UNITED STATES (AS SUCH TERMS ARE DEFINED BY THE ACT, 49 U.S.C. §1301 (21), (36)) (INCLUDING HAWAII) AND A POINT OR POINTS IN THE AREAS PRESENTLY DESCRIBED BY THE INTERNATIONAL AIR TRANSPORT

ASSOCIATION AS TRAFFIC CONFERENCES NOS. II AND III  
(A COPY OF WHICH DESCRIPTION IS ANNEXED HERETO AS

EXHIBIT A) IN TRANSPACIFIC ROUTING WHERE (1) THE TRANSPORTATION OF SUCH PROPERTY ORIGINATES FROM A POINT WITHIN THE UNITED STATES, OR (2) THE SALE OF SUCH TRANSPORTATION OCCURS OR AN AIRWAYBILL FOR SUCH TRANSPORTATION IS ISSUED IN THE UNITED STATES;

(F) "CARGO AGENT" MEANS ANY PERSON NOT AN AIR CARRIER OR A FOREIGN AIR CARRIER (AS SUCH TERMS ARE DEFINED IN THE ACT, 49 U.S.C. §1301(3), (19)), NOT A BONA FIDE EMPLOYEE OF AN AIR CARRIER OR FOREIGN AIR CARRIER AND NOT A "FREIGHT FORWARDER" (AS HEREINAFTER DEFINED) WHO IN ANY CAPACITY SELLS OR OFFERS FOR SALE ANY CARGO AIR TRANSPORTATION OR NEGOTIATES FOR, OR HOLDS HIMSELF OUT BY SOLICITATION, ADVERTISEMENT, OR OTHERWISE AS ONE WHO SELLS, PROVIDES, FURNISHES, CONTRACTS OR ARRANGES FOR CARGO AIR TRANSPORTATION;

(G) "FREIGHT FORWARDER" MEANS ANY PERSON WHO HOLDS AUTHORITY FROM THE CIVIL AERONAUTICS BOARD AS AN INTERNATIONAL AIR FREIGHT FORWARDER UNDER 14 C.F.R. PART 296 OR WHO HOLDS A FOREIGN AIR CARRIER PERMIT FROM THE CIVIL AERONAUTICS BOARD TO ENGAGE IN INDIRECT AIR TRANSPORTATION OF PROPERTY ONLY (WITHIN THE MEANING OF 49 U.S.C. §1301(3) AND (19));  
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(H) "CUSTOMER" OR "ACCOUNT" MEANS ANY PERSON WHO, DIRECTLY OR INDIRECTLY, PAYS FOR OR CONTRACTS FOR ANY CARGO AIR TRANSPORTATION INCLUDING, WITHOUT LIMITATION, ANY SHIPPER, CONSIGNOR, CONSIGNEE OR FREIGHT FORWARDER AS THE CASE MAY BE.

6. II. THIS COURT HAS JURISDICTION OF THE SUBJECT MATTER OF THIS ACTION AND ALL OF THE PARTIES HERETO. THE COMPLAINT HEREIN STATES A CLAIM AGAINST THE DEFENDANTS UNDER THE ACT.

7. III. THE NAMED DEFENDANTS, THEIR RESPECTIVE OFFICERS, DIRECTORS, MANAGING AGENTS, EMPLOYEES ENGAGED IN SALES, MARKETING AND RELATED ACTIVITIES, AND TICKET AGENTS, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS AND PERSONS IN ACTIVE CONCERT (PROVIDED THEY HAVE ACTUAL NOTICE OF THIS JUDGMENT) ARE HEREBY ENJOINED AND RESTRAINED, EXCEPT AS THEY MAY BE PERMITTED BY THE ACT, BY CURRENTLY EFFECTIVE TARIFFS FILED AND PUBLISHED IN CONFORMITY WITH 49 U.S.C. §1373(A) AND THE REGULATIONS PROMULGATED THEREUNDER, OR BY THE ORDERS, AUTHORIZATIONS AND REGULATIONS OF THE CIVIL AERONAUTICS BOARD, OR OTHERWISE PERMITTED BY LAW, FROM KNOWINGLY:

(A) IN ANY MANNER OR BY ANY DEVICE, DIRECTLY OR INDIRECTLY, OR THROUGH A TICKET AGENT, OR OTHERWISE, CHARGING, DEMANDING, COLLECTING OR RECEIVING WITH RESPECT TO THE SALE OF PASSENGER AIR TRANSPORTATION, A GREATER OR LESS OR DIFFERENT COMPENSATION FOR AIR TRANSPORTATION THAN THE RATES, FARES AND CHARGES SPECIFIED IN DEFENDANTS' THEN CURRENTLY EFFECTIVE TARIFFS ON FILE WITH THE CIVIL AERONAUTICS BOARD PURSUANT TO 49 U.S.C. §1373(A); AND

(B) IN ANY MANNER OR BY ANY DEVICE, DIRECTLY OR INDIRECTLY, OR THROUGH A TICKET AGENT, OR OTHERWISE, REFUNDING OR REMITTING TO ANY PURCHASER OF PASSENGER AIR TRANSPORTATION ANY PORTION OF SUCH RATES, FARES, AND CHARGES.

SUCH DEVICES AS REFERRED TO IN SUBDIVISIONS (A) AND (B)  
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OF THIS PARAGRAPH INCLUDE WITHOUT LIMITATION:

(1) SELLING TICKETS AT SPECIAL FARES TO PERSONS NOT ELIGIBLE FOR SUCH FARES;

(2) CIRCUMVENTING THE GOVERNING MINIMUM/MAXIMUM STAY PROVISIONS OF APPLICABLE SPECIAL FARES BY: (A) FAILING TO INDICATE ON TICKETS, OR ALL COUPONS THEREOF, THE APPLICABLE VALIDITY PERIOD; (B) USING REVALIDATION STICKERS TO CONCEAL, OR TO PROVIDE AN IMPROPER VALIDITY PERIOD; OR (C) USING NEW, ALTERED OR REISSUED TICKETS OR TICKET COUPONS WITH AN IMPROPER VALIDITY PERIOD;

(3) TRANSPORTING CHARTER PASSENGERS ON SCHEDULED FLIGHTS AT CHARTER RATES;

(4) MAKING PAYMENTS TO, OR FOR THE BENEFIT OF, A TICKET AGENT OF A COMMISSION OR OTHER COMPENSATION, INCLUDING BUT NOT LIMITED TO PAYMENTS FOR ADVERTISING, OR PROMOTIONAL MATERIAL, FOR THE SALE OF PASSENGER AIR TRANSPORTATION WHERE THE AIR CARRIER OR FOREIGN AIR CARRIER MAKING THE PAYMENT INTENDS, KNOWS, OR HAS REASON TO KNOW THAT THE TICKET AGENT WILL USE SUCH COMMISSION OR COMPENSATION IN CONNECTION WITH A VIOLATION OF SUBDIVISIONS (A) OR (B) OF THIS PARAGRAPH;

(5) ADVANCING OR PERMITTING A TICKET AGENT TO ADVANCE CREDIT TO A PURCHASER OF AIR TRANSPORTATION WHEN SAID CREDIT IS TO BE USED TO PERMIT THE PASSENGER TO TRAVEL AT A RATE LESS THAN THE CARRIER'S APPLICABLE TARIFF, EXCEPT TO THE EXTENT THAT SUCH CREDIT ARRANGEMENT IS PERMITTED BY THE CARRIER'S CURRENTLY EFFECTIVE TARIFFS FILED AND PUBLISHED IN CONFORMITY WITH 49 U.S.C. §1373(A)

AND THE REGULATIONS PROMULGATED THEREUNDER, OR BY THE ORDERS, AUTHORIZATIONS AND REGULATIONS OF THE CIVIL AERONAUTICS BOARD.

8. IV. THE NAMED DEFENDANTS, THEIR RESPECTIVE OFFICERS, DIRECTORS, MANAGING AGENTS, EMPLOYEES ENGAGED IN SALES, MARKETING AND RELATED ACTIVITIES, CARGO AGENTS, AND THEIR UNCLASSIFIED

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RESPECTIVE SUCCESSORS AND ASSIGNS AND PERSONS IN ACTIVE CONCERT (PROVIDED THEY HAVE ACTUAL NOTICE OF THIS JUDGMENT) ARE HEREBY ENJOINED AND RESTRAINED, EXCEPT AS THEY MAY BE PERMITTED BY THE ACT, BY CURRENTLY EFFECTIVE TARIFFS FILED AND PUBLISHED IN CONFORMITY WITH 49 U.S.C. §1373(A) AND THE REGULATIONS PROMULGATED THEREUNDER, OR BY THE ORDERS, AUTHORIZATIONS AND REGULATIONS OF THE CIVIL AERONAUTICS BOARD, OR OTHERWISE PERMITTED BY LAW, FROM KNOWINGLY:

(A) IN ANY MANNER OR BY ANY DEVICE, DIRECTLY OR INDIRECTLY, OR THROUGH A CARGO AGENT, OR THE AGENT OF A SHIPPER OR A FREIGHT FORWARDER OR OTHERWISE, CHARGING, DEMANDING, COLLECTING OR RECEIVING WITH RESPECT TO THE SALE OF CARGO AIR TRANSPORTATION, A GREATER OR LESS OR DIFFERENT COMPENSATION FOR AIR TRANSPORTATION THAN THE RATES, FARES AND CHARGES SPECIFIED IN DEFENDANTS' THEN CURRENTLY EFFECTIVE TARIFFS ON FILE WITH THE CIVIL AERONAUTICS BOARD PURSUANT TO 49 U.S.C. §1373(A); AND

(B) IN ANY MANNER OR BY ANY DEVICE, DIRECTLY OR INDIRECTLY, OR THROUGH A CARGO AGENT, OR THE AGENT OF A SHIPPER OR A FREIGHT FORWARDER, OR OTHERWISE, REFUNDING OR REMITTING TO ANY PURCHASER OF CARGO AIR TRANSPORTATION ANY PORTION OF SUCH RATES, FARES AND CHARGES.

SUCH DEVICES AS REFERRED TO IN SUBDIVISIONS (A) AND (B) OF THIS PARAGRAPH INCLUDE WITHOUT LIMITATION:

(1) THE MAKING OF PAYMENTS WITHIN OR WITHOUT THE UNITED STATES IN CASH OR KIND TO CUSTOMERS OR THEIR AGENTS, IN CONNECTION WITH CARGO AIR TRANSPORTATION, BY E.G.: (A) PROVIDING FREE, REDUCED RATE OR UPGRADED PASSENGER TRANSPORTATION; (B) MANIPULATION OR SUBSIDY OF RENTAL FEES FOR OFFICE AND WAREHOUSE SPACE, TELEPHONE, TELEGRAPH AND PERSONNEL; (C) PAYING COMMISSIONS ON CONSOLIDATED SHIPMENTS TO FREIGHT FORWARDERS OR TO CARGO AGENTS UNDER COMMON CONTROL THEREWITH; (D) PAYING FOR A CUSTOMER'S ADVERTISING OR TRADING ADVERTISING FOR PAYMENT; AND (E) MISUSE OF VARIOUS CLAIM COLLECTION AND SETTLEMENT PRACTICES.

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(2) PROVIDING SERVICES IN, OR IN CONNECTION WITH, CARGO AIR TRANSPORTATION WITHOUT A CORRECT, TARIFF-BASED PAYMENT THEREFOR, BY, E.G.: (A) SHIPPING CUSTOMER CARGO AS AIRLINE COMPANY MATERIAL (COMAT); (B) PROVIDING FREE SURFACE TRUCKING SERVICES; (C) PROVIDING FREE "ACCESSORIAL SERVICES"; (D) NOT CHARGING FOR THE DOMESTIC PORTION OF AN INTERNATIONAL CARGO MOVEMENT; AND (E) CHARGING FOR SHIPMENTS BASED ON AN INCORRECT WEIGHT ("UNDERDECLARED WEIGHT").

(3) MISAPPLICATION OF TARIFF RULES OR RATES BY, E.G.: (A) USE OF INCORRECT CURRENCY EXCHANGE RATES; (B) TRANSPORTING COMMODITIES MISDESCRIBED OR MISCLASSIFIED EITHER ON THE AIRWAYBILL, OR SUBSEQUENTLY BY FALSE "AIRWAYBILL CORRECTION NOTICES"; (C) VARIOUS CONTAINER-RATE ABUSES, (I) SHIPPING BULK AT CONTAINER RATES, (II) RATING AT WRONG CONTAINER SIZE, (III) APPLYING RATE FOR "EXCESS WEIGHT" TO ENTIRE CONTAINER, (IV) APPLYING INCORRECT "TARE WEIGHT" (WEIGHT OF CONTAINER EMPTY); (D) APPLYING WRONG KILO/POUND CONVERSION; (E) FAILING TO APPLY APPLICABLE "DIMENSIONAL WEIGHT RULE"; (F) IMPROPER CONSTRUCTION OR COMBINATION OF RATES; AND (G) RATING SEPARATE SHIPMENTS RECEIVED ON DIFFERENT DAYS UNDER A SINGLE AIRWAYBILL WHERE NOT ASSEMBLED.

(4) TRANSPORTATION OF CHARTER-RATED TRAFFIC ON SCHEDULED SERVICE WITHOUT APPLICATION OF THE APPLICABLE INDIVIDUALLY WAY-BILLED RATE.

9. V. FOR THE PURPOSE OF INSURING COMPLIANCE WITH THIS FINAL JUDGMENT, EACH DEFENDANT SHALL HAVE AN AFFIRMATIVE OBLIGATION TO CONDUCT A REASONABLE INQUIRY TO DETERMINE WHETHER OR NOT IT HAS BEEN IN COMPLIANCE WITH THIS INJUNCTION DURING THE RELEVANT PERIOD OF TIME AND TO TAKE REASONABLE ACTIONS TO ASSURE SUCH COMPLIANCE. IN CONNECTION THEREWITH, EACH DEFENDANT SHALL REPORT ANNUALLY TO THE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA:

(A) THE NATURE OF THE INQUIRY;  
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(B) THE ACTIONS TAKEN TO ASSURE COMPLIANCE WITH THIS INJUNCTION; AND

(C) WHETHER OR NOT SUCH DEFENDANT:

(1) HAS SOLD TICKETS AT SPECIAL FARES TO PERSONS NOT ELIGIBLE FOR SUCH FARES;

(2) HAS CIRCUMVENTED THE GOVERNING MINIMUM/MAXIMUM STAY PROVISIONS OF APPLICABLE SPECIAL FARES BY:

(A) FAILING TO INDICATE ON TICKETS, OR ALL COUPONS THEREOF, THE APPLICABLE VALIDITY PERIOD;

(B) USING REVALIDATION STICKERS TO CONCEAL, OR TO PROVIDE AN IMPROPER VALIDITY PERIOD; OR

(C) USING NEW, ALTERED, OR REISSUED TICKETS OR TICKET COUPONS WITH AN IMPROPER VALIDITY PERIOD;

(3) HAS TRANSPORTED CHARTER PASSENGERS ON SCHEDULED FLIGHTS AT CHARTER RATES, EXCEPT AS OTHERWISE PERMITTED BY LAW OR REGULATION;

(4) HAS PAID TO, OR FOR THE BENEFIT OF, A TICKET AGENT A COMMISSION OR OTHER COMPENSATION, INCLUDING BUT NOT LIMITED TO PAYMENTS FOR ADVERTISING OR PROMOTIONAL MATERIAL WHERE THE AIR CARRIER OR FOREIGN AIR CARRIER MAKING THE PAYMENT INTENDS, KNOWS, OR HAS REASON TO KNOW THAT THE TICKET AGENT WILL USE SUCH COMMISSION OR COMPENSATION:

(A) TO REFUND OR REMIT TO ANY PURCHASER OF PASSENGER AIR TRANSPORTATION ANY PORTION OF ANY RATES, FARES, OR CHARGES SPECIFIED IN SUCH DEFENDANT'S THEN CURRENTLY EFFECTIVE TARIFFS ON FILE WITH THE CIVIL AERONAUTICS BOARD PURSUANT TO 49 U.S.C. S1373(A);

(B) TO CHARGE, DEMAND, COLLECT, OR RECEIVE WITH RESPECT TO THE SALE OF PASSENGER AIR TRANSPORTATION LESS COMPEN-  
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SATION FOR AIR TRANSPORTATION THAN THE RATES, FARES, AND CHARGES SPECIFIED IN SUCH DEFENDANT'S THEN CURRENTLY EFFECTIVE TARIFFS ON FILE WITH THE CIVIL AERONAUTICS BOARD PURSUANT TO 49 U.S.C. S1373(A); OR

(C) TO REIMBURSE ITSELF FOR ANY PORTION OF ANY RATES, FARES, OR CHARGES ADVANCED BY THE TICKET AGENT ON BEHALF OF SUCH PASSENGER; OR

(5) HAS ADVANCED OR HAS PERMITTED A TICKET AGENT TO ADVANCE CREDIT TO A PURCHASER OF AIR TRANSPORTATION WHEN SAID CREDIT IS TO BE USED TO PERMIT THE PASSENGER TO TRAVEL AT A RATE LESS THAN THE CARRIER'S APPLICABLE TARIFF, EXCEPT TO THE EXTENT THAT SUCH CREDIT ARRANGEMENT IS PERMITTED BY THE CARRIER'S CURRENTLY EFFECTIVE TARIFFS FILED AND PUBLISHED IN CONFORMITY WITH 49 U.S.C. S1373(A) AND THE REGULATIONS PROMULGATED THEREUNDER OR BY THE

ORDERS, AUTHORIZATIONS AND REGULATIONS OF THE CIVIL AERONAUTICS BOARD.

(6) HAS ENGAGED IN ANY OF THE PRACTICES LISTED IN PARAGRAPH IV SUBPARAGRAPHS (1) THROUGH, AND INCLUDING, (4) ABOVE, WITH RESPECT TO CARGO AIR TRANSPORTATION.

SUCH FACTS IN SUCH REPORT SHALL BE IDENTIFIED WITH RESPECT TO EACH SUCH INSTANCE WITH PARTICULARITY.

10. EACH DEFENDANT AGREES TO ESTABLISH PROCEDURES PURSUANT TO WHICH ITS OFFICERS, DIRECTORS, MANAGING AGENTS, EMPLOYEES ENGAGED IN SALES, MARKETING AND RELATED ACTIVITIES, TICKET AGENTS, CARGO AGENTS, AND FREIGHT FORWARDERS IN THE UNITED STATES, AND EACH OF THEM WILL BE PROVIDED WITH ACTUAL NOTICE OF THIS JUDGMENT. THESE PROCEDURES MAY INCLUDE BUT ARE NOT LIMITED TO: THE INCLUSION OF THIS JUDGMENT IN WHOLE OR IN PART OR AN EXPLANATION THEREOF, IN APPROPRIATE COMPANY MANUALS, INTERNAL CIRCULARS OR LETTERS, AND THE DISTRIBUTION BY CERTIFIED OR REGISTERED MAIL OF THIS JUDGMENT, IN WHOLE OR IN PART, TO ALL OF THE DEFENDANTS' CURRENTLY APPOINTED TICKET AGENTS, CARGO AGENTS, AND ALL FREIGHT FORWARDERS  
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IN THE UNITED STATES, ANY SUCH TICKET AGENT OR CARGO AGENT OR FREIGHT FORWARDER APPOINTED OR AUTHORIZED AFTER THE DATE OF THIS JUDGMENT AND DURING THE TERM THEREOF. EACH DEFENDANT ALSO AGREES TO SUBMIT SUCH PROCEDURES TO THE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF THIS JUDGMENT. FURTHER, EACH DEFENDANT AGREES TO MAINTAIN, DURING THE TERM OF THIS JUDGMENT, THE RECORDS BY WHICH ACTUAL NOTICE OF THIS JUDGMENT IS PROVIDED TO THOSE REFERRED TO HEREIN.

11. THIS JUDGMENT, UNLESS EXTENDED BY FURTHER ORDER OF THIS COURT, SHALL TERMINATE AFTER THE EXPIRATION OF FIVE (5) YEARS FROM THE DATE OF ENTRY HEREOF. THE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA, OR ANY OF THE NAMED DEFENDANTS MAY, AT ANY TIME, MOVE THIS COURT ON A SHOWING OF GOOD CAUSE OR CHANGED CIRCUMSTANCES TO EXTEND OR SHORTEN THE TERM OF THIS JUDGMENT, OR TO MODIFY ANY OF THE PROVISIONS THEREOF.

12. JURISDICTION OF THIS ACTION IS RETAINED BY THIS COURT FOR THE PURPOSE OF ENABLING THE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA TO APPLY TO THIS COURT AT ANY TIME FOR SUCH FURTHER ORDERS AND DIRECTIONS AS MAY BE NECESSARY OR APPROPRIATE FOR THE CONSTRUCTION OR CARRYING OUT OF THIS FINAL



JUDGMENT, AND FOR THE ENFORCEMENT OF COMPLIANCE THEREWITH  
AND PUNISHMENT OF VIOLATIONS THEREOF. DATED:  
MARCH 29, 1976. SIGNED: UNITED STATES DISTRICT JUDGE

13. APPENDIX EXHIBIT A TO FINAL JUDGMENT - PROVISIONS  
FOR THE REGULATION AND CONDUCT OF THE IATA TRAFFIC  
CONFERENCES

(1) TRAFFIC CONFERENCES OF INTERNATIONAL AIR TRANSPORT  
ASSOCIATION (HEREIN REFERRED TO AS "TRAFFIC CONFERENCE(S)")  
ARE HEREBY ESTABLISHED WITH RESPECT TO THE FOLLOWING  
AREAS WHICH ARE IDENTIFIED ON A MASTER MAP ON FILE WITH  
THE DIRECTOR GENERAL OF INTERNATIONAL AIR TRANSPORT  
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ASSOCIATION (HEREIN REFERRED TO AS THE "DIRECTOR GENERAL"),  
SUCH AREAS BEING DESCRIBED AS FOLLOWS:--

TRAFFIC CONFERENCE NO. 2--ENCOMPASSING ALL OF EUROPE  
(INCLUDING THAT PART OF THE UNION OF SOVIET SOCIALIST  
REPUBLICS IN EUROPE) AND THE ISLANDS ADJACENT THERETO;  
ICELAND; THE AZORES; ALL OF AFRICA AND THE ISLANDS  
ADJACENT THERETO; ASCENSION ISLAND; THAT PART OF ASIA  
LYING WEST OF AND INCLUDING IRAN.

TRAFFIC CONFERENCE NO. 3--ENCOMPASSING ALL OF ASIA AND  
THE ISLANDS ADJACENT THERETO EXCEPT THAT PORTION IN-  
CLUDED IN TRAFFIC CONFERENCE NO. 2; ALL OF THE EAST  
INDIES, AUSTRALIA, NEW ZEALAND, AND THE ISLANDS ADJACENT  
THERETO; THE ISLANDS OF THE PACIFIC OCEAN EXCEPT THOSE  
INCLUDED IN TRAFFIC CONFERENCE NO. 1.

(2) THE EXECUTIVE COMMITTEE MAY INCREASE OR DECREASE  
THE NUMBER OF TRAFFIC CONFERENCES, ALTER THE BOUNDARIES  
AND DETERMINE THE RESPECTIVE HEADQUARTERS THEREOF.

AS RECITED IN ACT OF INCORPORATION, ARTICLES OF ASSO-  
CIATION, RULES AND REGULATIONS OF THE INTERNATIONAL AIR  
TRANSPORT ASSOCIATION, FOURTEENTH EDITION, SEPTEMBER 1974.

14. WE HEREBY CONSENT TO THE ENTRY OF THE FOREGOING  
FINAL JUDGMENT WITHOUT FURTHER NOTICE. JAMES L. BROWNING,  
JR., UNITED STATES ATTORNEY, ATTORNEY FOR PLAINTIFF;  
DONALD KEITH HALL, ATTORNEY FOR AIR NEW ZEALAND, LTD.;  
ROBERT P. PARKER, ATTORNEY FOR AIR-SIAM AIR CO., LTD.;  
ROBERT REED GRAY, ATTORNEY FOR CANADIAN PACIFIC AIR  
LINES, LTD.; ALEXANDER ANOLIK, ATTORNEY FOR CHINA AIRLINES  
LTD.; LAURENCE A. SHORT, ATTORNEY FOR JAPAN AIR LINES  
COMPANY, LTD.; JERROLD SCOUTT, JR., ATTORNEY FOR KOREAN  
AIR LINES CO., LTD.; JAMES A. ABBOTT, ATTORNEY FOR

NORTHWEST AIRLINES, INC.; JERRY W. RYAN, ATTORNEY FOR  
PAN AMERICAN WORLD AIRWAYS, INC.; LAURENCE A. SHORT,  
ATTORNEY FOR PHILIPPINE AIR LINES, INC.; GEORGE N.  
THOMPSON, JR., ATTORNEY FOR QANTAS AIRWAYS LTD.;  
J.W.ROSENTHAL, ATTORNEY FOR THE FLYING TIGER LINE INC.;  
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ALEXANDER ANOLIK, ATTORNEY FOR UNION DE TRANSPORTS  
AERIENS; ROBERT REED GRAY, ATTORNEY FOR "VARIG", S.A.  
(VIACAO AREA RIO-GRANDENSE).

ROBINSON

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## Message Attributes

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**Capture Date:** 16 SEP 1999  
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**Current Classification:** UNCLASSIFIED  
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**Copy:** SINGLE  
**Draft Date:** 02 DEC 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
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Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

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**Secure:** OPEN  
**Status:** NATIVE  
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**TAGS:** EAIR, TH, US, AIR SIAM  
**To:** BANGKOK  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006